

City of Biggs

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: David L. Swartz, PE, PLS – City Engineer

DATE: February 28, 2011 Council Meeting, prepared February 21, 2011

SUBJECT: WWTP – MUN Designation Updated Information

- **Project:** Waste Water Treatment Plant Upgrade- New Information Regarding Designation of Agricultural Drains Being Designated as Municipal Water Use

Requested Action: None

Status:

At the last city council meeting in January we discussed and came to consensus to authorize the City's waste water consultant, Psomas, to move forward with a technical report and Basin Plan amendment that would be considered before the Regional Water Quality Control Board.

What is the Basin Plan? Section 13240 of the Porter-Cologne Water Quality Control Act requires each Regional Board to formulate and adopt water quality control plans, or basin plans, for all areas within the Region. The Porter-Cologne Act also requires each Regional Board to establish water quality objectives to ensure the reasonable protection of beneficial uses and a program of implementation for achieving water quality objectives within the basin plans. Title 40, Code of Federal Regulations, Part 131 requires each State to adopt water quality standards by designating water uses to be protected and adopting water quality criteria that protect the designated uses. In California, the beneficial uses and water quality objectives are the State's water quality standards. Region 5 has two Basin Plans covering the Region: one for the Tulare Lake Basin and one for the Sacramento River and San Joaquin River Basins. The Basin Plan is reviewed and updated every three years.

Sacramento River Basin

The Sacramento River Basin covers 27,210 square miles and includes the entire area drained by the Sacramento River. For planning purposes, this includes all watersheds tributary to the Sacramento River that are north of the Cosumnes River watershed. It also includes the closed basin of Goose Lake and drainage sub-basins of Cache and Putah Creeks. The principal streams are the Sacramento River and its larger tributaries: the Pit, Feather, Yuba, Bear, and American Rivers to the east; and Cottonwood, Stony, Cache, and Putah Creeks to the west. Major reservoirs and lakes include Shasta, Oroville, Folsom, Clear Lake, and Lake Berryessa.

Current Status

Following the last city council meeting we were made aware by Greg Cash of the Regional Water Quality Control Board that the City of Live Oak was underway processing their permit, and that the Board during their February 4th meeting requested that board staff remove the MUN designation from the permit for the RD 777 Agricultural Drain discharge. It's being interpreted at this time that this may actually be a policy change at the board level, which would mean that the City of Biggs could receive the same consideration without having to spend additional \$85K to provide the technical report and basin plan amendment.

We hosted a conference call with Psomas, City Staff, and the Regional Board Staff recently to verify this information and find out more about this possibility. It was discussed that the Regional Board staff were having some legal difficulties in carrying out the Board's request, and that this was currently being investigated by staff to "figure" out a way to make it happen. So at this time there is a distinct possibility that the Regional Board staff will work with their legal counsel and figure out a way to de-designate agricultural drains from the MUN designation, which will possibly save a substantial capital cost to the City and result in ongoing savings by reduction of mitigation and monitoring requirements in the new permit.

Following that conference call, I asked that Psomas postpone their work on this matter until we had a chance to discuss these new developments at the Council level, and possibly until the Regional Board provides a ruling or guidance.

Staff: D. Swartz